IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

SECOND APPEAL NO.335 OF 2004.

Stephen Thomas Gonsalves : Appellant.

versus

Thomas Enas Gonsalves : Respondent.

Mr.G.V.Nagarsheth for the appellant.

Mr.A.A.Kumbhakoni for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 22nd September 2005.

ORAL ORDER

1. Appellant is the original defendant in the suit filed by his father/respondent. The suit of the father was decreed. The appeal filed by the appellant/defendant was dismissed. The appellant has also filed, in the same year 1996, a separate Suit being Suit NO.206/96 in respect of the same property asserting whatever rights he has in the said property. The counsel for the

appellant does not want to proceed with this appeal in view of that suit and seeks permission to withdraw the appeal. Hence the appeal is allowed to be withdrawn and dismissed as withdrawn. The appellant will be at liberty to apply afresh for whatever interim orders he wants against the respondent.

[D.G.DESHPANDE,J]